

111TH CONGRESS
1ST SESSION

S. 1438

To express the sense of Congress on improving cybersecurity globally, to require the Secretary of State to submit a report to Congress on improving cybersecurity, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 10, 2009

Mrs. GILLIBRAND introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To express the sense of Congress on improving cybersecurity globally, to require the Secretary of State to submit a report to Congress on improving cybersecurity, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fostering a Global Re-
5 sponse to Cyber Attacks Act”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) For more than a decade, reports have de-
2 scribed the increasing vulnerability of the United
3 States to cyberattacks, including a recent leading
4 think tank report that stated, “Cyber attack joins
5 terrorism and weapons of mass destruction as one of
6 the new, asymmetric threats that put the U.S. and
7 its allies at risk.”.

8 (2) There have been numerous cyberattacks
9 against United States intelligence and military tar-
10 gets, resulting in the Department of Defense spend-
11 ing more than \$100,000,000 in the first 6 months
12 of 2009 to repair damage to networks caused by
13 cyberattacks.

14 (3) Cyberattacks cost the economy of the
15 United States billions of dollars annually.

16 (4) A growing array of state and non-state ac-
17 tors, such as terrorists and international criminal
18 groups, are targeting United States citizens, United
19 States commerce, and the information infrastructure
20 of the United States, including the Internet, tele-
21 communications networks, computer systems, and
22 embedded processors and controllers in critical in-
23 dustries, to steal, exploit, and potentially disrupt or
24 destroy information.

1 (5) Cyber exploitation activity has grown more
2 sophisticated, more targeted, and more serious over
3 the past year and is expected to increase as ad-
4 vances in technology continue to increasingly under-
5 pin the society of the United States.

6 (6) Relevant international cybersecurity agree-
7 ments focus only on issues relating to cyber crime
8 and common operating standards and have not been
9 signed by certain countries from which cyberattacks
10 may be launched.

11 **SEC. 3. SENSE OF CONGRESS ON IMPROVING CYBERSECU-**
12 **RITY GLOBALLY.**

13 It is the sense of Congress that the Secretary of State
14 should work with the governments of foreign countries—

15 (1) to develop comprehensive norms and cooper-
16 ative activities for international engagement to im-
17 prove cybersecurity;

18 (2) to encourage international cooperation in
19 improving cybersecurity on a global basis; and

20 (3) to develop appropriate safeguards for the
21 protection of privacy, freedom of speech, and com-
22 mercial transactions to be included in any agree-
23 ments or other activities designed to safeguard
24 cyberspace.

1 **SEC. 4. REPORT ON IMPROVING CYBERSECURITY.**

2 Not later than 270 days after the date of the enact-
3 ment of this Act, the Secretary of State shall submit to
4 the Committee on Foreign Relations of the Senate and
5 the Committee on Foreign Affairs of the House of Rep-
6 resentatives a report describing any actions taken by the
7 United States to work with the governments of foreign
8 countries to improve cybersecurity, as described in section
9 3.

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